

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BOARD OF TRUSTEES OF THE IDAHO
OPERATING ENGINEERS-EMPLOYERS
PENSION TRUST FUND,

Plaintiff,

v.

ESTATE OF ARTHUR R. ADLER, ALLAN
ADLER, and JANE DOE ADLER,

Defendants.

NO. CV-08-0235-EFS

ORDER DISMISSING CASE

On May 3, 2011, the Court ordered Plaintiff Board of Trustees of the Idaho Operating Engineers-Employers Pension Trust Fund to "file a statement with the Court explaining why this action should not be dismissed for lack of service" no later than May 16, 2011. ECF No. [2](#). The Court further cautioned, "[f]ailure to file a statement will be viewed as consent to dismissal of this action." *Id.* Finally, the Court required Plaintiff's counsel Jane Parry Ewers to both mail a copy of that Order to her client and most importantly, to file a notice indicating compliance with that copy requirement. *Id.*

As of June 9, 2011, Ms. Ewers certified that she mailed a copy of the show-cause Order to Plaintiffs' last known address on May 6, 2011, ECF No. [3](#), but did not file a statement explaining why this action should not be dismissed. Thus, the Court dismisses this case for failure to

1 prosecute pursuant to Federal Rule of Civil Procedure
2 41(b). Accordingly, **IT IS HEREBY ORDERED:**

3 1. The Complaint is **DISMISSED** without prejudice.

4 2. This file shall be **CLOSED**.

5 **IT IS SO ORDERED.** The District Court Executive is directed to enter
6 this Order and provide copies to counsel.

7 **DATED** this 10th day of June 2011.

8
9 s/Edward F. Shea

EDWARD F. SHEA

10 United States District Judge

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